

REMARKS

Initially, Applicant notes that the outstanding Final Office Action does not acknowledge receipt of the replacement Figures filed with the previous Response on February 12, 2007, nor whether the Figures now before the Examiner have been accepted. Accordingly, with the next Office Action, Applicant requests an indication of whether the Figures now before the Examiner have been accepted.

In the outstanding Final Office Action, a new Restriction requirement was set forth under reasoning based on PCT practice. Although the reasoning for the new Restriction requirement was first set forth in the new Final Office Action, claims 47-50 were withdrawn from consideration as being directed to a constructively non-elected invention. Accordingly, claims 32-46 are pending.

Claims 32-46 were rejected under 35 U.S.C. §103(a) over Applicant's Prior Art (APA) in view of DIVELBISS et al. (U.S. Patent No. 6,943,852).

Both the new Restriction requirement and the withdrawal of claims 47-50 are traversed. In this regard, each of claims 47-50 depends, directly or indirectly, from claim 33, and claim 33 depends from claim 32. Insofar as claims 47-50 are asserted to be directed to an invention distinct from the invention to which claims 32-46 are directed, the new restriction requirement is improper. That is, the claims of Group II (i.e., claims 47-50) incorporate features of claims of Group I (i.e., claims 32 and 33). Therefore, claims 47-50 include by definition the features of the same invention to which claims 32 and 33 are directed. Accordingly, reconsideration and withdrawal of the new Restriction requirement and the withdrawal of claims 47-50 are respectfully requested.

Applicant traverses the outstanding rejection. In this regard, claim 32 recites:

*An eyeglass lens for stereoscopic imaging, comprising:  
an upper flexible polarizer film layer formed on an upper transparent electrode;  
a lower flexible polarizer film layer formed on a lower transparent electrode; and  
a liquid crystal layer formed between the upper transparent electrode and the lower transparent electrode.*

A flexible transparent film layer according to claim 32 is also used as a polarizer film and, accordingly, the combination recited in claim 32 does not require a separate polarizer film. In contrast, DIVELBISS discloses a liquid crystal (LC) cell assembled with flexible substrates, but the flexible substrate of a liquid crystal cell is not a polarizer cell and does not function as a polarizer cell. Accordingly, the invention to which claim 32 is directed is advantageous in comparison to DIVELBISS insofar as the eyeglass lens of claim 32 is a simpler structure, provides curvature more suitable to a human face, and provides improved light permeability by reducing two more polarizer film layers in comparison to DIVELBISS.

Additionally, DIVELBISS fails to disclose any aspect of a system using eyeglasses for stereoscopic imaging which includes an element related to wireless communication.

That is, modification of Applicant's Prior Art to obtain the invention recited in claim 32 and shown in Figure 8 would require elimination of the respective transparent glass 33/34 shown in Figure 2, elimination of the respective polarizer film 35 shown in Figure 2, and provision of the flexible polarizer film layers formed on the respective electrodes as recited in claim 32. However, as set forth above, DIVELBISS does not describe that the flexible substrate of a liquid crystal cell is a polarizer cell or functions as

a polarizer cell. Accordingly, modification of Applicant's Prior Art with the teachings of DIVEBBISS would not result in the combination recited in claim 32.

Further, it would not be obvious to modify Applicant's Prior Art based on the teachings of Applicant's Prior Art, DIVEBBISS, or any other document of record. In this regard, contrary to the assertions in the Final Office Action, Applicant's Prior Art does not disclose an upper transparent film layer formed on an upper transparent electrode, a lower transparent film layer formed on a lower transparent electrode, an upper polarizer film layer formed on the upper transparent film layer, and a lower polarizer film layer formed on the lower transparent film layer. Rather, each of the underlined layers above are disclosed as transparent glass 33/34 in Applicant's Prior Art with respect to Figure 2.

Further, contrary to the assertions in the Final Office Action, Applicant's Prior Art does not disclose lenses which are covered with two sheets of films formed on transparent electrodes. Rather, Figure 2 of Applicant's Prior Art explicitly discloses that the transparent glass 33/34, and not the polarizer film 35, is formed on the electrodes 31/32.

Accordingly, modification of Applicant's Prior Art with the teachings of DIVEBBISS to obtain the features recited in claim 32 would require more modifications to Applicant's Prior Art than acknowledged in the Final Office Action. That is, mere replacement of the transparent glass 33/34 in Applicant's Prior Art with a flexible substrate as in DIVEBBISS would not result in the combination recited in claim 32. Rather, both the transparent glass 33/34 and the polarizer film 35 would have to be eliminated in Applicant's Prior Art and the flexible substrate in DIVEBBISS would have to be disclosed as a flexible polarizer film formed on the electrodes 50/60 in order for the

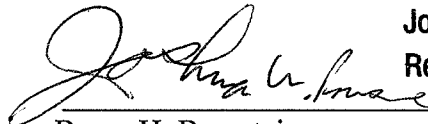
proposed combination of Applicant's Prior Art and DIVELBISS to result in the combination recited in claim 32.

For the reasons set forth above, modification of Applicant's Prior Art with DIVELBISS would not result in the combinations recited in independent claim 32. Of course, each of dependent claims 33-50 is allowable at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations.

As set forth above, each of the claims now pending is believed to be allowable, and Applicant therefore respectfully requests an indication of the allowability of each of the claims now pending.

Should there be any questions regarding this Response, please contact the undersigned at the telephone number provided below.

Respectfully submitted,  
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